



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: July 27, 2021

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA /
VIA Zoom (Hybrid)

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding.

C. Mercier requested moment of silence in darkened chamber for Nicholas Kafaleas and Maurice Cohen.

2. CITY CLERK

2.1. Minutes Of Election Laws/Redistricting SC July 6th; City Council Special Meeting July 6th; City Council Meeting July 13th; City Council Special Meeting July 22nd, For Acceptance.

In City Council, minutes read, **Motion** "To accept and place on file" by C. Conway, seconded by C. Elliott. So voted.

Motion to suspend rules by C. Elliott, seconded by C. Mercier to allow citation to issue to "Veteran of the Month". So voted. M. Leahy presented citation to Col. Clifford Kreiger as veteran of the month. Col. Kreiger thanked the body.

3. UNFINISHED BUSINESS

3.1. Ordinance-Create Business Services Market Manager Position In Career Center Position And Salary.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 10, 2021 at 7PM by C. Conway, seconded by C. Chau. So voted.

3.2. Subcommittees Reports:

1. Transportation SC June 29, 2021.

In City Council, **Motion** to accept the report as report of progress by C. Elliott, seconded by C. Drinkwater. So voted. C. Elliott noted discussion at prior meeting.



2. Zoning SC June 29, 2021.

In City Council, **Motion** to accept the report as report of progress by C. Elliott, seconded by C. Drinkwater. So voted. C. Elliott noted discussion at prior meeting.

3. Election Laws/Redistricting SC July 6, 2021.

In City Council, **Motion** to accept the report as report of progress by C. Rourke, seconded by C. Samaras. So voted. C. Rourke noted efforts regarding upcoming elections to ensure proper coverage and compliance.

Motion to take Item #4.2(l) out of order by C. Drinkwater, seconded by C. Chau. So voted.

Motion to bundle, accept and act upon Items #3.3 to #3.9, inclusive by C. Rourke, seconded by C. Samaras. So voted.

3.3. Wire Insp. - Comcast - Request Installation Of Communications Conduit To Provide Service From 138 To 160 Middlesex Street.

In City Council, **Motion** to adopt and accept the accompanying order by C. Rourke, seconded by C. Samaras. So voted.

3.4. Wire Insp. - National Grid - Request Installation Of New Handhole And (2) Four Inch Conduits Connecting To It At 197 Appleton Street.

In City Council, **Motion** to adopt and accept the accompanying order by C. Rourke, seconded by C. Samaras. So voted.

3.5. Wire Insp. - University Of Massachusetts Lowell (UML) - Request Installation Of Electric Conduit At Sarah Avenue Under Riverside Street For New Source Feeder For UML North Campus.

In City Council, **Motion** to adopt and accept the accompanying order by C. Rourke, seconded by C. Samaras. So voted.

3.6. Claim - (1) Property Damage.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Rourke, seconded by C. Samaras. So voted.

3.7. Misc. - Janie Polay Request That City Council Ban Door To Door Soliciting In The City Of Lowell.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Rourke, seconded by C. Samaras. So voted.



3.8. TC Systems Inc. (AT&T) (Giomare Group) - Request Installation Of 116 Feet Of Underground Conduit At Intersection Of Industrial And Reiss Avenues.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 10, 2021 at 7PM by C. Rourke, seconded by C. Samaras. So voted.

3.9. TC Systems Inc. (AT&T) (Giomare Group) - Request Installation Of 44 Feet Of Underground Conduit At Appleton And Thorndike Streets.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 10, 2021 at 7PM by C. Rourke, seconded by C. Samaras. So voted.

3.10. M. Leahy - Req. City Mgr. Have Proper Department Look At Health Of City Tree Located At 91 Felton Street.

In City Council, seconded by C. Chau, referred to City Manager. So voted. M. Leahy noted efforts being made.

3.11. M. Leahy - Req. City Mgr. Work With Proper Department To Paint Turning Signals On Andover Street.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. M. Leahy noted need for calming traffic measures.

3.12. M. Leahy - Req. City Mgr. And Proper Department Work With Residents Of The Hamilton Canal District Regarding Construction Schedule Over The Next Few Years.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. M. Leahy noted the importance of informing residents in that area.

4. COMMUNICATIONS FROM CITY MANAGER

4.1. Motion Responses.

In City Council, **Motion** "To accept and place on file" by C. Chau, seconded by C. Conway. So voted.

A) Motion Response - PAL Program – C. Rourke commented on exciting programs and noted that they would be year round. Manager Donoghue commented on the programs for children and the positive effect of those programs. Deputy LeBlanc (LPD) outlined the various programs.

B) Motion Response - Speed Monitoring Device Aiken Ave – C. Samaras questioned if more effective signage could be used. Manager Donoghue noted that the issue is that driver become disassociated with the messaging after a certain period of time so it is necessary to move them constantly.



C) Motion Response - Safety Measures Aberdeen, Beacon and Christian Streets –

C. Mercier commented on the installation of signs and the scheduling for them. Manager Donoghue noted the effort is to enforce, evaluate and adjust.

D) Motion Response - 4 Way Stop at Lincoln, Washington and Angle –

C. Mercier requested ordinance be amended to extend no parking zone beyond the twenty feet. Manager Donoghue noted they would begin that process.

E) Motion Response - Pan-Am Bridge Maintenance –

C. Elliott commented on correspondence sent to company. C. Mercier noted that the company would not respond to request as usual. C. Elliott noted that they must keep demanding action.

F) Motion Response - Parking Policies and School Readiness –

Registered speaker, Deborah White, addressed the Council. C. Chau commented on the parking environment for downtown residents and the need to communicate the regulations to all customers using the garages. Terry Ryan (Parking Director) noted that there was a mistake made regarding speaker and was rectified immediately. C. Mercier questioned if customer was reimbursed. Mr. Ryan stated that she had been. C. Chau recommended posting regulations throughout the facilities. C. Mercier suggested putting information on parking passes as well. C. Rourke commented on monitoring of cars in the garages. Mr. Ryan noted that procedures are designed to enhance safety in the garages.

G) Motion Response - Judicial Center Parking –

C. Mercier noted difficulty with getting a discount.

H) Motion Response - 91 Felton St - –

M. Leahy noted homeowner concern for instruction of healthy tree on their wall. Christine Clancy (DPW) noted that the department would continue to monitor tree if the situation warrants as legally their hands may be tied due to the fact that it is a healthy tree. Manager Donoghue noted possible legal issues regarding private property and healthy tree.

Motion by C. Nuon, seconded by C. Mercier to take items #11.12, #11.13 and #10.5 out of order. So voted.

4.2. Informational Reports.

I) Informational - HR Assessment – Manager Donoghue commented on the process and the report that was generated by CliftonLarsenAllen, LLP (CLA) entitled “City of Lowell Human Resources and Diversity, Equity, and Inclusion Assessment”. Frank Levesque, Gregory Chambers and Jessica Smith from CLA made the presentation. Mr. Levesque covered the methods used for assessment; commented on findings; provided a summary and outlined recommendations. Mr. Chambers commented on the on-line survey for active employees. Ms. Smith proved an HR function assessment. Mr. Chambers provided recommendations with a summary and Ms. Smith noted the need to better utilized available technology in the department. C. Drinkwater noted it was a comprehensive report and lauded the processes of the LPD concerning diversified



hiring. C. Drinkwater noted there was work to be done and this report has best practice recommendations. C. Chau commented on the response rate and if it were higher would it provide additional information and questioned reasoning behind non-involvement. C. Nuon recognized the funding and the effort to provide assessment noting the work to be done and the assessment was a great start for that work. **Motion** by C. Elliott, seconded by C. Chau to refer matter to Personnel SC. So voted. C. Elliott noted the assessment was a valuable roadmap. C. Mercier noted that there was budgeted money for diversity officer in the City. Manager Donoghue noted the recommended salary was consistent with assessment and the efforts being made in diversity hiring. C. Conway noted the amount of information contained in the report and that the subcommittee would be able to break it down for further discussion moving forward.

J) Informational - Rivers Edge – Manager Donoghue noted the report and the updated inspections at the site. Manager Donoghue noted the City had a regulatory position in the matter and was not involved with dispute between other parties. **Motion** by C. Elliott seconded by C. Mercier to refer matter to Environment & Flood Issues SC. So voted. C. Elliott noted the need for added information concerning last order of conditions on the premises. C. Rourke questioned if there was a current investigation and what would be concern of the City. Manager Donoghue noted that the administration was not aware of any investigation. C. Elliott noted the involvement of tax money and he will ask questions to protect that money. C. Nuon commented that information would be supplied to the subcommittee.

4.3. Reappointment Of Bradley Buitenhuys To Conservation Comm.

In City Council, **Motion** “To accept and place on file” by C. Samaras, seconded by C. Nuon. So voted.

4.4. Reappointment Of Louisa Varum To Conservation Comm.

In City Council, **Motion** “To accept and place on file” by C. Nuon, seconded by C. Mercier. So voted.

4.5. Reappointment Of Sean Callahan To ZBA.

In City Council, Read, **Motion** to adopt by C. Nuon, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

Motion to bundle and waive second reading for Item #5.1 to Item #5.4, inclusive, by C. Rourke, seconded by C. Chau. So voted.

5. VOTES FROM THE CITY MANAGER

5.1. Vote- Accept Expend Address Verification Program Grant 20,280.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted.



5.2. Vote- Accept Expend Shannon Community Safety Initiative Grant 25,000.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted.

5.3. Vote- Accept Expend SSYI Grant 712,346.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted.

5.4. Vote- Apply Accept Expend MassEVIP Grant 93,941.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted.

6. ORDERS FROM THE CITY MANAGER

6.1. Order-60 Day Trial.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.

Motion to bundle Item #7.1 to Item #7.3, inclusive, by C. Mercier, seconded by C. Rourke. So voted.

7. ORDINANCES FROM THE CITY MANAGER

7.1. Ordinance -Amending Department Of Public Works-Establish Division Of Electricity.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 10, 2021 at 7PM by C. Mercier, seconded by C. Rourke. So voted.

7.2. Ordinance- Create A Position For ARPA Finance Manager.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 10, 2021 at 7PM by C. Mercier, seconded by C. Rourke. So voted.

7.3. Ordinance- Create Position For Substance Use Prevention Grant Coordinator In Health Dept.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 10, 2021 at 7PM by C. Mercier, seconded by C. Rourke. So voted.



8. RESOLUTIONS

8.1. Resolution-Adopt Acts Of 2018 Ch 218 Sec 15.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Arts And Culture SC July 27, 2021.

In City Council, C. Nuon noted the attendance and the discussion of the importance and the need to support the arts/culture in the City and to assist in the rebuilding of these economies due to losses suffered during pandemic. C. Nuon noted a motion was adopted by the subcommittee which requested the Manager formulate a committee among business and artist so that communications and ideas can be shared and explored upon in a group setting. C. Samaras noted the importance of bringing groups together. C. Mercier noted the need to coordinate information. **Motion** by C. Samaras, seconded by C. Mercier to request City Manager inventory vacant storefronts and explore possibility of filling space with appropriate art work by local artisans. So voted. Manager Donoghue noted that there is currently an enormous effort being put forth regarding enhancement of cultural economy. Manager Donoghue noted that there should be a central person to assist with providing covid funding for different purposes. **Motion** to accept the report as report of progress and adopt motions of the subcommittee by C. Rourke, seconded by C. Chau. So voted.

C. Rourke noted the need to call a Neighborhoods SC regarding rodent infestation in some neighborhoods in the City.

C. Elliott noted there was a letter from WasteManagement regarding collection which should be discussed during discussion of motions.

10. PETITIONS

10.1. Claim - (1) Property Damage.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Samaras, seconded by C. Nuon. So voted.

10.2. Misc. - Christian Walkes (Building Audacity) Request A Dedication Of Land Space At Lowell City Hall For A Public Art Installation.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Drinkwater, seconded by C. Chau. So voted.



10.3. Misc. - Maria Matos Request Installation Of A Handicap Parking Sign At 1374 Gorham Street.

In City Council, **Motion** to refer to Traffic Engineer for report and recommendation by C. Samaras, seconded by C. Nuon. So voted.

10.4. Misc. - Luis Nieves Request Installation Of Handicap Parking Sign At 48 Pond Street.

In City Council, **Motion** to refer to Traffic Engineer for report and recommendation by C. Elliott, seconded by C. Conway. So voted.

10.5. National Grid - Request To Relay A Gas Main At 1895-1939 Middlesex Street With A 12 Inch Plastic Gas Main In Sidewalk.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on August 10, 2021 at 7PM by C. Mercier, seconded by C. Nuon. So voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Rourke - Req. City Mgr. Through The DPW Update The Council And The Public Regarding Waste Management's Yard Waste Pickup Schedule For Each Neighborhood, As Well As, What Items Are Eligible To Be Collected.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Rourke requested Item #11.4 be taken up at same time as it is same discussion item. C. Rourke noted it was a reoccurring problem throughout the neighborhoods. C. Rourke reference letter from WasteManagement and noted that they should be held to their contracted terms.

11.2. C. Rourke - Req. City Mgr. Contact UMass-Lowell And MassPIRG Regarding Public Outreach Initiative/Plan To Increase Proper Use Of Lowell Recycling Pickup.

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Rourke noted that partnership was in place and resources available to assist with educational element of recycling program.

11.3. C. Mercier - Req. City Mgr. Have Proper Department Place A Berm In Front Of 110 And 124 Barbara Street And Any Other Home On Barbara Street That Has Had Their Front Yard Soil Running Down The Street And Washing Away.

In City Council, seconded by C. Samaras, referred to City Manager. So voted. C. Mercier commented on the concerns of the homeowners and that a berm will offer needed protection to their property. C. Rourke commented on berm process and the need in some sections of the City. C. Elliott noted that the berm is helpful in channeling water to proper locations.



11.4. C. Elliott - Req. City Mgr. Update City Council Regarding Yard Waste Pick-Up Schedule.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Elliott commented on the letter from WasteManagement which offered many excuses with no solutions and that the company should be held to contract in the same fashion that the City is. C. Samaras commented on the pick-ups and that people need to be informed and are frustrated. C. Conway noted prior motions addressing the issues and the continued frustration. C. Mercier recounted the numerous calls from citizens regarding this issue. C. Chau noted that there are several contract violations. Manager Donoghue noted contract was ending next year and that there have been numerous discussion with vendor and that fining is not the issue but there must be service provided. Manager Donoghue commented that the letter was not a response from them but they would furnish a more detailed report. Christine Clancy (DPW) outlined measures taking place to attempt to rectify the problem.

Motion to suspend rules to take Item #11.16 out of order by C. Nuon, seconded by C. Elliott. So voted.

11.5. C. Elliott - Req. City Mgr. Contact The Mass. Environmental Police Regarding Jet Ski Operation Enforcement On Merrimack River Next To The Falls.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott requested Item #11.14 be discussed with this item as they contain same topic of discussion. C. Elliott commented on prior fatalities and the need to ensure safety on the river as there are a lot of users who are not following rules.

11.6. C. Elliott - Req. City Mgr. Have DPW Address The Over Growth Of Trees And Brush On Kelly Circle And Add A Street Light And Sign That States “No Parking Here To Corner”.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Elliott noted signed petition from residents on the street and submitted same.

11.7. C. Elliott - Req. City Mgr. Provide A Report Regarding Oil Spots On Numerous Streets In Pawtucketville.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott question the process of cleaning streets and dealing with spills. Manager Donoghue noted inspections that are done. Ms. Clancy commented on the process. C. Rourke noted prior observation of leaking trucks.

11.8. C. Elliott - Req. City Council Vote To Continue Sidewalk On Varnum Avenue From Dowling Drive To Constance Drive.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott noted area was busy and pedestrian safety must be enhanced.



11.9. C. Conway - Req. City Mgr. Invite The Disability Commission To The Next City Council Meeting To Present The Commission's End Of The Year Report.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Conway commented on the work of the commission and their request to present end of year report to the Council.

11.10. C. Conway - Req. City Mgr. Report On City's Plan Against A "Ransomware Attack" That Will Ensure That All City Departments Have Sufficient Protocols And Updated Technology To Prevent Hackers From Compromising Our Systems; To Further Ensure That There Is Sufficient Security On The City's Voting And Tabulating Machines.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Conway commented the need to know the defense in place against hacking and must be confident that our election process is safe.

11.11. C. Nuon - Req. City Mgr. And Proper Department Work With Property Owner At Corner Of Stevens And Parker Streets, Near Tall Hedges, To Find Consensus And Offer Variance For Fencing On The Property.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Nuon noted the dangerous location and the homeowner needs assistance to make it safer.

11.12. C. Nuon - Req. City Mgr. Have DPW Work With Property Owner At 314 Sanders Avenue To Clean/Clear Large Sections Of Tree Branch That Had Fallen In Her Yard.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. Registered speaker, Carol Navetta, addressed the Council. C. Nuon noted that the DPW should be able to assist with removal. Ms. Clancy noted work needed to be contracted out due to the use of a crane to clean debris.

11.13. C. Nuon - Req. Transportation SC Address Speeding And Cut-Through Traffic On Lincoln Parkway And Put Measures In Place To Protect Children That Live And Play In The Neighborhood And Those That Walk To The Daley And Bailey Schools.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. Registered speaker, Kathy Navetta, addressed the Council. C. Nuon noted work would be installing a safety measure.

11.14. C. Nuon - Req. City Mgr. Have Proper Department Address Operators Of Jet Skis And Boats Who Disregard The Rules And Safe Operation Of Watercraft On The Merrimack River Before Unnecessary Injuries Or Deaths Occur.



In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Nuon noted the need to be proactive to avoid injuries on the river. Manager Donoghue noted the presence of the LPD boat on the river.

11.15. C. Nuon - Req. City Mgr. Work With DPD On Comprehensive List Of Incentives, Federal Funding And Tax Programs That Will Encourage Downtown Building Owners To Develop Upper Floors.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Nuon commented on the need to find ways to encourage owners to invest in their buildings.

11.16. C. Nuon - Req. City Mgr. Have Proper Department Look Into Installing A Tall Net At McPherson Park To Keep Softballs From Damaging Homes Of Abutting Neighbors.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. Registered speaker, Corey Robinson, addressed the Council. C. Nuon noted it was an active area.

11.17. C. Chau - Req. City Mgr. Investigate A Veteran Banner Program And Explore Main Street Locations For Honoring The Veterans Of Lowell.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Chau noted it was request to honor the veterans in the community and outlined possible funding.

11.18. C. Chau - Req. City Mgr. Investigate Repairs And Improvements To The Public Roadway And Sidewalks Along Hale Street In The Area Of The Glory Buddhist Temple.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Chau noted area was in poor condition and is well travelled so there should be repairs done.

11.19. C. Chau - Req. City Mgr. Investigate The Costs And Improvements Necessary To Upgrade Duck Island To Prevent Untreated Direct Sewer Discharges Into The Merrimack River, Including Contact With The State Delegation Regarding Emergency Funding Possibilities In FY 2022.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Chau noted the serious issue to environment and health that will need attention.

12. ANNOUNCEMENTS

In City Council, Motion to suspend rules by C. Elliott, second by C. Drinkwater to discuss Rollies Farm. So voted. C. Elliott noted possible sale of farm and the need to preserve it has open space and the City should assist with that endeavor with possible use of community preservation funding. C. Mercier commented on upcoming flag



raises. M. Leahy noted beginning of establishing a sister city relationship Bamako, Mali. Motion by C. Mercier, seconded by C. Elliott to begin that process. So voted.

13. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Drinkwater, seconded by C. Chau. So voted.

Meeting adjourned at 9:45 PM.

Michael Q. Geary, City Clerk